

PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q79183

Ulrich SINK

Appln. No.: 10/788,471

Group Art Unit: 2618

Confirmation No.: 7558

Examiner: Wen Wu HUANG

Filed: March 1, 2004

For: METHOD FOR TRANSMITTING SAFETY RELATED DATA

REPLY BRIEF PURSUANT TO 37 C.F.R. § 41.41

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.41, Appellant respectfully submits this Reply Brief in response to the Examiner's Answer dated April 7, 2008. Entry of this Reply Brief is respectfully requested.

Table of Contents

STATUS OF CLAIMS	2
GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL	3
ARGUMENT	4
CONCLUSION	4

STATUS OF CLAIMS

Claims 1-15 are pending and are the basis of this Appeal.

Claims 1-15 stand rejected.

GROUNDΣ OF REJECTION TO BE REVIEWED ON APPEAL

- A. Claims 1-4, 9-12, 14 and 15 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 7,073,083 to Litwin Jr., et al. (“Litwin”),
- B. Claims 5-8 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable in view of Litwin and U.S. Patent No. 6,893,395 to Kraus et al. (“Kraus”), and
- C. Claim 13 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable in view of Litwin and U.S. Patent No. 7,103,344 to Menard (“Menard”).

ARGUMENT

Appellant stands by the arguments presented in the February 29, 2008 Appeal Brief.

Additionally, Appellant provides the following remarks in response to the Examiner's Answer, dated April 7, 2008.

Claim 1 recites a first radio link and a second radio link that each transmit "information data." The first radio link transmits safety related information data, while the second radio link transmits non-safety related information data. For the reasons presented in the February 29, 2008 Appeal Brief, Appellant submits that the Litwin reference fails to teach or suggest the first and second radio links (pgs. 9 and 10 of Appeal Brief).

On page 9 of the Examiner's Answer, the Examiner responds to Appellant's argument by referring to column 3, lines 50-62 of Litwin and maintains that the emergency shutdown signal containing the network address of the malfunctioning slave device discloses the claimed safety related information data. As set forth, however, on page 10 of the February 29, 2008 Appeal Brief, the cited portion of Litwin discloses that the signal transmitted by channel 108 contains the command to shut down a device along with the network address of the device 102 to which the signal must be transmitted. Appellant submits that the shutdown command and the address to which the command must be transmitted fail to teach or suggest the claimed transmission of safety-related information data (i.e., the network address is not information "data").

Claim 1 also recites, "wherein the first radio link and the second radio link are two physical channels that contemporaneously transmit the information data in parallel."

The channel 108 of Litwin is merely used for transmittance of control commands or for authorization purposes. There is no teaching or suggestion, in Litwin, of channels 106 and 108 actually transmitting “information data” in parallel contemporaneously, as recited in claim 1. On page 10 of the April 7, 2008 Examiner’s Answer, the Examiner refers to various portions of Litwin and maintains that data is transmitted contemporaneously on channels 106 and 108 of Litwin. The cited portions of Litwin merely indicate that if the master device determines a malfunctioning slave device, i.e., a device that transmits data over data channel 106 after its time slot has expired, the master device transmits the command signal over channel 108 to shut down the slave device. For the reasons set forth above, however, such command signal of Litwin fails to teach or suggest the claimed transmittance of “information data.” Thus, Appellant continues to maintain that channels 106 and 108 of Litwin fail to transmit “information data” in parallel “contemporaneously,” as recited in claim 1.

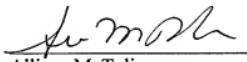
On page 10 of the April 7, 2008 Examiner’s Answer, the Examiner refers to the term “continuously,” where such term was previously deleted from claim 1. The Examiner does not appear to imply that the Appellant presented any arguments regarding a “continuous” transmission. For clarity reasons, however, Appellant submits that the February 29, 2008 Appeal Brief in no manner attempts to distinguish over the Litwin reference by presenting any arguments related to a “continuous” transmission of data.

At least based on the foregoing, Appellant continues to maintain that Litwin fails to teach or suggest the features of claim 1.

CONCLUSION

For the above reasons as well as the reasons set forth in Appeal Brief, Appellant respectfully requests that the Board reverse the Examiner's rejections of all claims on Appeal. An early and favorable decision on the merits of this Appeal is respectfully requested.

Respectfully submitted,



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